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**From:** Chemerys, Ruth [Chemerys.Ruth@epa.gov]  
**Sent:** 4/16/2019 12:20:50 PM  
**To:** Patrick Field [pfield@cbi.org]  
**CC:** Hurd, Kathy [Hurd.Kathy@epa.gov]  
**Subject:** For Thursday workgroup call - Paper on 404(b)(1) and no less stringent than..  
**Attachments:** stringency404b141519draft.docx

Hi Pat –

Here is the paper for our discussion on Thursday. I asked Stef, and she agreed, to walk through the paper, though it would help to have you facilitate. (She does have to jump off the call 10 minutes early though) Do you want to send out, or should I?

Kathy and I discussed, and she wanted to wait to discuss the list of **Ex. 5 Deliberative Process (DP)**. We may also come back to partial assumption on our call on the 29<sup>th</sup>.

Ruth

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**From:** Shamet, Stefania  
**Sent:** Monday, April 15, 2019 12:32 PM  
**To:** Chemerys, Ruth <Chemerys.Ruth@epa.gov>  
**Cc:** Hurd, Kathy <Hurd.Kathy@epa.gov>; Martinsen, Jessica <Martinsen.Jessica@epa.gov>  
**Subject:** RE: 404g followup on 404(b)(1) and no less stringent than..

DELIBERATIVE

Combined in a single document. Hopefully this is what you were looking for. Big thanks to Jessica for her help with this. (Failure to give you what you were looking for is entirely my own).

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**From:** Chemerys, Ruth  
**Sent:** Tuesday, April 09, 2019 9:45 AM  
**To:** Shamet, Stefania <Shamet.Stefania@epa.gov>  
**Cc:** Hurd, Kathy <Hurd.Kathy@epa.gov>  
**Subject:** RE: 404g followup on 404(b)(1) and no less stringent than..

That sounds good– thanks again Stef!

Ruth

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**From:** Shamet, Stefania  
**Sent:** Tuesday, April 09, 2019 9:09 AM  
**To:** Chemerys, Ruth <Chemerys.Ruth@epa.gov>  
**Subject:** Re: 404g followup on 404(b)(1) and no less stringent than..

Hi.

After chatting with Jessica Martinsen (who is our 404 permits team leader), I think the approach we are going to take for 404(b)(1) is

Ex. 5 Attorney Client (AC)

## Ex. 5 Attorney Client (AC)

Will write something up on equivalency/stringency. Recall that Dave Ross had a lot to say about 33 USC 1370 in the Supplemental Step 1 Notice. I may look at that as well. Aiming for Friday.

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**From:** Chemerys, Ruth  
**Sent:** Tuesday, April 9, 2019 8:24 AM  
**To:** Shamet, Stefania  
**Subject:** RE: 404g followup on 404(b)(1) and no less stringent than..

Thanks Stef – sorry for not responding sooner.

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**From:** Shamet, Stefania  
**Sent:** Saturday, April 06, 2019 4:16 PM  
**To:** Chemerys, Ruth <[Chemerys.Ruth@epa.gov](mailto:Chemerys.Ruth@epa.gov)>  
**Cc:** Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)>  
**Subject:** Re: 404g followup on 404(b)(1) and no less stringent than..

Let me try to play with it until mid-week and then if we need a call, I'll ask.

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**From:** Chemerys, Ruth  
**Sent:** Friday, April 5, 2019 1:47 PM  
**To:** Shamet, Stefania  
**Cc:** Hurlid, Kathy  
**Subject:** RE: 404g followup on 404(b)(1) and no less stringent than..

Hi Stef-

Here is some guidance from Kathy on these two topics:

For 404(b)(1), we will need to go through each guideline and subsection and decide the following:

## Ex. 5 AC/DP

Ex. 5 AC/DP

e.g., for 401 cert – 401 cert is only on federal actions; however, the state must demonstrate and ensure that any permit it issues will not violate its WQS for that waterbody or downstream waters. That is the objective behind 401 cert and the state must also ensure its permits do not violate state WQS.

## Ex. 5 AC/DP

If you're able to send us an initial draft by the 12<sup>th</sup> or 15<sup>th</sup>, Kathy and I can review before the workgroup call. Perhaps, if it would be helpful, Kathy and I can have a quick call with you as you start diving in.

Thanks for being so willing to help once again!

Ruth

*Ruth Chemerys*  
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**From:** Shamet, Stefania  
**Sent:** Monday, April 01, 2019 1:46 PM  
**To:** Chemerys, Ruth <[Chemerys.Ruth@epa.gov](mailto:Chemerys.Ruth@epa.gov)>  
**Subject:** 404g

Hi Ruth – I had to jump off the phone to handle a fire drill here in R3. Feel free to give me a call and let me know what papers you need Ex. 5 Attorney Client (AC). I'm in and out – so feel free to call my cell. Ex. 6 Personal Privacy (PP). I have some capacity at the moment.

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